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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Albania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 27 December 2001 from the Secretary-General of the Ministry for Foreign Affairs of Albania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On behalf of the Albanian Government, I am sending the attached report on the implementation of Security Council resolution 1373 (2001) on combating terrorism (see enclosure).

(*Signed*) Eduard **Sulo**
Secretary-General

Enclosure

Report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism

Concerning the situation of criminality, the tendency for the perpetration of terrorist acts in the territory of the Republic of Albania and the experience gained in fighting against criminality show that (domestic or international) terrorism does not pose any potential danger to Albania. However, aware of the risks, in view of the present situation following the terrorist attacks against the United States, and considering itself part of the international action against terrorism, the Albanian Government had analyzed the 1373 Security Council resolution on combatting terrorism and has adopted the relevant measures for its implementation.

The situation in Albania relating to the UN Security Council Resolution 1373 on Combatting Terrorism is as follows:

Operative paragraph 1

Though there are no legal acts that specifically prohibit the collection or allocation of funds to finance the terrorism and the terrorists, such activities are illegal under the Penal Code, which considers them *as collaboration in the crime of terrorism*. In addition, the Albanian legislation contains some provisions aimed to prevent and punish the terrorist funding activities. They include the article 287/a of the Law No. 8733, dated 24.01.2001 "On some amendments in the Law No. 7895, dated 27.01.1995 of the Penal Code of the Republic of Albania", and the articles 44/2 and 45/3 of the Law 8365, dated 02.07.1998 "On the Banks in the Republic of Albania". The penal legislation and the penal procedural legislation in Albania provide for the sequestration and confiscation of assets or bank accounts pertaining to a criminal offence as well as any related benefit (article 30 and 36 of the Penal Code of the Republic of Albania and article 274 of the Code of Criminal Procedure).

According to the law "On the Banks in the Republic of Albania", the banks are obliged to prohibit any transaction or wealth related to a criminal activity or aimed to hide the illegal source of the wealth. The accounts of terrorist suspects can be frozen under the Law No. 8610, dated 15.5.2000 "On prevention of money laundering" and the 1267, 1333, and 1373 Security Council resolutions. These cases are investigated by the Department for Prevention of Money Laundering in the Ministry of Finances. This department collects information from many sources other than the banks and files criminal charges with the prosecution office if there are elements of a criminal offence.

On basis of information received from US Department of Treasury after 11 September 2001, the government has asked all banks and financial institutions operating in Albania to check and report on accounts, if any, of persons included in the list of terrorist suspects attached to this information. This list has been made available to the banks so that they can identify and freeze possible banking assets of these people deposited with the banks in Albania and can report immediately if these people open new accounts.

During this process of control and verification, the Department for the Prevention of Money Laundering cooperates closely with the police, the banking system, the intelligence service, the judiciary and the tax and customs authorities at a national level. In addition, efforts are being made to cooperate with the international agencies to in the field of exchanging information and coordinating the operations for the seizure of people involved in terrorism and for the confiscation of their wealth.

According to the law "On Prevention of Money Laundering", the Department for the Prevention of the Money Laundering is entitled to act even in cases of information about financial transactions exceeding the limit set in this law. In such cases, the Department can order the banks to freeze immediately the funds and the account for a period of up to 30 days. During this period the Department cooperates with the police, taxes, customs, banking system, judiciary and so on to collect the necessary information about the customer. If there are

sufficient elements for a criminal offence, the Department files charges with the prosecution office, which opens a criminal inquiry.

The only measure taken so far is the authorities' intervention to freeze the account of a person, whose name is in the list of the terrorist suspects. This measure was taken on the basis of an order issued by the Department for the Prevention of the Money Laundering after the relevant bank informed about the existence of a bank account belonging to a person suspected of terrorist activities. An operation is going on, in cooperation with other national and international authorities to check and collect further information about the cu tomer and complete his file. There are also some other reported cases, which are being investigated, but the Department has not pressed charges with the prosecution institution against them.

The system of preventing money laundering in Albania is at an initial stage. There is a need for further improvements in the laws and bylaws to ensure that the money laundering and the terrorist funding are efficiently dealt with. This involves measures to fill loopholes in the legal framework (in addition to the Law on the Prevention of Money Laundering, which is presently the only basic legal instrument) through the adoption of the necessary bylaws and regulations regarding procedures for the operations against money laundering, the approval of changes in the banking legislation and in the laws on related activities in compliance with the Law for Prevention of Money Laundering, changes in the Penal Code, and so on.

The Albanian financial institutions have been promised technical assistance from the US Department of Treasury for improvements in the legal and operational aspects of the system against the money laundering and terrorist funding. Nevertheless, the Albanian Government would appreciate the assistance of UN special bodies in the improvement of the legal framework and techniques used to identify, confiscate, and freeze the financial assets of the terrorist elements.

Operative paragraph 2

The penal legislation of the Republic of Albania expressly prohibits the creation of terrorist groups and the delivery of any kind of assistance to their activities in Albania or abroad. The articles 28, 233 and 234 of the Penal Code of the Republic of Albania No. 7895 dated 27.01.1995, defines the armed gang and the criminal organization as forms of a special kind of cooperation that is distinguishable for the number of participants, the level of the organization and the repeated perpetration of criminal offences. The sanctions against them range from imprisonment to five years to life sentence.

The Penal Code also includes some measures aimed to prevent arms supplies for terrorists (articles 278/a and 279 of the Penal Code of the Republic of Albania changed with the law No. 8733 dated 24.01.2001). The sanction under the article 278/a entitled "Trafficking of Weapons and Munitions" ranges from 7 to 15 year imprisonment, whereas the article 279 entitled "Production and Illegal Possession of Small Arms and Light Weapons" provides for punishment with fine or imprisonment of up to 5 years.

The provisions in the Albanian legislation, which are aimed to prevent the terrorists from using the territory of the Republic of Albania for activities against other countries or their citizens, are: article 297 of the Penal Code on "Illegal Border Crossing" and the article 299 of the Penal Code "On Violation of Flight Regulations".

The Albanian Government is presently drafting the law "On Prevention and Combating Terrorism", which will fulfill the current needs regarding the fight against terrorism and help to adjust Albanian legislation to the international conventions that have been ratified by Albania.

In addition to measures for legal improvements, the Albanian Government has also taken steps to improve the State Police structures so that their efficiency in the fight against organized crime and terrorism is particularly enhanced. The Public Order Ministry, in cooperation with the General Prosecution Office, has recently set up the "Organized Crime Unit" in the General Police Department. The "Unit of Combating Trafficking of Human Beings and Arms" has also been recently established in the central and local police structures.

The Ministry of Defense of the Republic of Albania has adopted a program of wide-ranging measures, which are being currently implemented in all the structures of the Armed Forces. These measures include:

- Strengthening of military readiness of the Armed Forces;
- Enhanced security for access to military institutions and installations;
- Prevention of terrorist acts against military structures;
- Detection, prevention, and fight against arms trafficking to neighboring countries;
- Management of arms and munitions, which the police are collecting from civil population;
- Use of military structures, if required, in the fight against internal and international terrorism;
- Protection of classified information;

Strict measures are taken in all military facilities for the effective administration and protection of the weapons and munitions. An inventory of the arms arsenal has been made and armaments have been subjected to continuous controls and inspections to prevent terrorist elements from laying their hands on them. Likewise, about 120.000 light and small weapons have been destroyed in the framework of the Stability Pact for Southeast Europe.

After the terrorist acts the Albanian competent authorities checked the identity of all foreign citizens with temporary residence in the Republic of Albania. They checked to see whether these persons complied with the residence regulations and whether some terrorist elements, against whom international warrants had been issued, had taken refuge among them. Those who were not found in possession of the required documentation were asked to apply for it or leave the Republic of Albania. Measures are also being taken to set up an office for foreign citizens in the Unit of the Fight Against Terrorist Acts. The aim is to have a better control of the potential criminal activities of foreigners in Albania as well as achieve a better cooperation with the police of neighboring countries on this problem.

During their activity for the prevention and detection of possible terrorist acts the public order forces have cooperated and have been in regular contact with the police of other countries on a direct basis or through INTERPOL. The Office of the Attorney-Genaral has cooperated with the counterpart authorities of other countries, especially during 1997 and 1988, for the identification, extradition, and deportation of some Arab citizens of Egyptian origin, who were suspected of or wanted for their involvement in terrorist activities. There were four such cases in 1998. In addition, the Albanian authorities have cooperated with the Egyptian authorities to arrest two other Egyptian citizens in Albania.

The Republic of Albania is also contributing to the international and regional cooperation in the fight against terrorism and organized crime. This participation has been institutionalized in the OSCE (participating in the Action Plan against Terrorism recently approved in the Bucharest Summit, 2001) and in some regional initiatives such as South-East Cooperation Process (SECI), Organization of the Black Sea Co-operation (BSEC), Adriatic and Ionian Initiative (AII), Central European Initiative (CEI), South-Eastern European Cooperation Process (SEECP) etc. by cooperating in the working groups set up for this purpose as well as by supporting the relevant approved declarations and documents. It is also worth mentioning that Albania is contributing to the Center against Organized Crime in Bucharest (SECI). Part of Albania's cooperation with other countries in the fight against organized crime and trafficking is also the establishment of the "Center of the Fight Against Illegal Trafficking" in Vlore, which will work, among others, to prevent and detect terrorist elements.

Operative paragraph 3

The Albanian Government has carried out a consistent work to improve and update the legislation in order to have a better organization and a high efficiency in the fight against terrorism. To this end, the Parliament has prepared the ratification procedures for and has ratified a number of international conventions such as:

1. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation; Montreal 1971;
2. Convention on Offences and Certain other Acts Committed on Board of Aircrafts, Tokyo 1963;

3. Convention for the Suppression of Unlawful Seizure of Aircraf, Hague 1970;
4. European Convention on the Suppression Terrorism, (ratified 2000);
5. European Convention on Extradition and its two additional protocols (ratified 1998);
6. European Convention on Mutual Assistance in Criminal Matters (ratified 2000);
7. European Convention on Transfer of Procedures in Criminal Matters and the additional protocol, (ratified 2000);
8. European Agreement on Transmisson of Application for Legal Aid (ratified 2001);
9. European Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ratified 2000).
10. Convention against the Taking of Hostages (1979) (ratified 2001);
11. Convention on the Prevention and the Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (1973) (ratified 2001);
12. Protocol on Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988) (ratified 2001).

The following conventions are in the process of ratification or accession:

1. Convention on Physical Protection of Nuclear Material (1979);
2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against Fixed Platforms located on the Continental Shelf (1988);
3. Convention on the Suppression of Terrorist Bombings (1998).

The following conventions have been signed:

1. International Convention for the Suppression of Financing of Terrorism (1999) (signed 2001);
2. International Convention on Cyber Crime (signed 2001);
3. Second Additional Protocol of European Convention on Mutual Assistance in Criminal Cases (signed 2001);
4. Additional Protocol of European Agreement on Transfer of Procedures of Criminal Cases (signed 2001).

Anticipating the possibility of the involvement of asylum seekers and foreigners in terrorist activities, the Albanian Government is recently revising the Law No. 8492 dated 27.05.1999 "On the Foreigners" and the Law No 8432 dated 14.12.1998 "On Asylum in the Republic of Albania", which will be adjusted to the standards of the aforementioned conventions.

The Ministry Justice of the Republic of Albania has prepared a specific working program to review the legal compatibility of the activity of the prosecutors in the investigation of criminal cases after the accomplishment of the preliminary investigations. This control will be conducted in the municipalities used as a base for illegal trafficking, such as Vlore, Fier, Durres, Kurbin, Elbasan, Shkoder, Kukes and Tropoje. In addition to this control, the Justice Ministry has ordered the inspectorate of the High Council of Justice to review the sentences passed by the courts of these municipalities in criminal cases related to terrorist acts, illegal trafficking, arms trafficking, and illegal border crossing. Such inspections will enable prosecutors and judges to make an accurate implementation of the laws on the investigation and punishment of people, who perpetrate terrorist acts or are involved in illegal trafficking.